

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
7:10-CR-21-1-BO

JAMES FULLER,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

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DECLARATION OF  
NARDINE MARY GUIRGUIS

I, Nardine Mary Guirguis, declare as follows:

1. I practice law as a private attorney in the Eastern District of North Carolina, and I am licensed to practice in North Carolina, before the United States District Court, and the United States Supreme Court.
2. I represented Mr. Fuller as his court-appointed attorney during the criminal prosecution of the above-captioned case.
3. I have read Mr. Fuller's 28 U.S.C. § 2255 motion and am familiar with the factual claims and arguments made in it.
4. I have reviewed my notes and documentation contained in my case file surrounding my representation.
5. Before and after the Court pronounced its sentence, I discussed with Mr. Fuller his appellate rights, and asked him to indicate his decision in writing on November 10, 2011. Mr. Fuller indicated that he did not want to pursue an appeal. Exhibit 1 is a true and correct copy of the Mr. Fuller's writing stating that he did not want to appeal his case.

GOVERNMENT  
EXHIBIT

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6. In my opinion, by filing his petition pursuant to 28 U.S.C. §2255, Mr. Fuller has waived the attorney-client privilege with respect to matters raised in his post-conviction pleading. I have not disclosed any client confidences, nor any other privileged matters obtained through the attorney-client relationship, except to respond to his allegations that I committed ineffective assistance of counsel.
7. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of November, 2012.

  
Nardine Mary Guirguis

11/10/11 - I have talked with Mr. [unclear]  
about appealing I have decided  
at this time to not appeal  
my case

*Samuel D. [unclear]*

